

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FIDELITY AND GUARANTY
INSURANCE COMPANY,

Plaintiff,

v.

STAR EQUIPMENT CORPORATION,
CHARLENE B. FORAN, JOHN J. FORAN,
and TOWN OF SEEKONK,

Defendants.

CIVIL ACTION NO. 1:04-CV-10250-EFH

FIDELITY AND GUARANTY INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. Rule 56, the plaintiff, Fidelity and Guaranty Insurance Company ("F&G"), hereby moves for summary judgment against the defendants, Star Equipment Corporation ("Star"), Charlene B. Foran and John J. Foran (hereinafter collectively referred to as the "Defendants" or "Indemnitors"). Pursuant to the express terms of the General Agreement of Indemnity ("the GAI") executed by the Indemnitors, the Indemnitors are required to reimburse F&G for all loss, costs, attorneys' fees, interest and expense of every kind or nature incurred by F&G in its investigation, evaluation, defense and/or discharge of claims made against surety bonds issued by F&G on behalf of Star, as principal. There are no genuine issues of material fact in dispute and, based upon the material facts, F&G is entitled to summary judgment as a matter of law.

In further support of this Motion, F&G files herewith a Statement of Undisputed Material Facts, Memorandum of Law in Support of F&G's Motion for Summary Judgment, and the Affidavit of Timothy G. Snyder, with exhibits attached.

WHEREFORE, Fidelity and Guaranty Insurance Company respectfully requests that its Motion for Summary Judgment be allowed and that this Honorable Court enter judgment in F&G's favor against the Indemnitors, jointly and severally, to compensate F&G for the losses that F&G has incurred in connection with the claims on the Bond, as well as F&G's attorneys' fees, costs and expenses incurred in prosecuting this action, all in accordance with the specific terms and conditions of the GAI, plus interest as allowed by contract or by law, and such other relief as this Court may deem just and appropriate.

Respectfully submitted,

**FIDELITY AND GUARANTY INSURANCE
COMPANY,**

By its attorney,

/s/ Eric H. Loeffler
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CERTIFICATE OF SERVICE

I, Eric H. Loeffler, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 5, 2007.

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